

Before the Board of Supervisors County of Placer, State of California

In the matter of:

An Ordinance to amend Placer County
Code,
Chapter 13, Article, 13.08, Chapter 16,
Articles 16.08 and 16.20

Ordinance No.: 6165-B

Introduced: 09.13.22

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer
at a regular meeting held on September 27, 2022, by the following vote:

Ayes: GORE, HOLMES, JONES, GUSTAFSON

Noes: NONE

Absent: WEYGANDT

Signed and approved by me after its passage.


Chair, Board of Supervisors

Attest:


Clerk of said Board

WHEREAS,

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF
PLACER ORDAINS AS FOLLOWS:

Section 1: Placer County Code, Chapter 13, Article 13.08, Section 13.08.030, Chapter 16, Article 16.08, Section 16.08.040 and Article 16.20, Section 16.20.180 are amended as shown in Exhibit A.

Section 2: This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code Section 25124.

EXHIBIT A

Article 13.08 - WATER WELLS

13.08.030 General requirements and responsibilities.

A. Individual Wells Required. When individual water supplies are the proposed domestic water supply, each lot or parcel shall have its own individually drilled well located on the subject lot or parcel. This section shall not apply to lots or parcels served by a county-approved public water supply where wells are the water source.

B. Water Supply Required Before Construction.

1. As to any lot of less than ~~one hundred thousand (100,000) square feet~~ **2.3 acres**, no person shall commence construction of a single-family residential building thereon until water adequate for domestic use is provided on such lot from a well constructed in compliance to this article.

2. Water shall be adequate for domestic use if the water, the source, and any storage facility meet all applicable state and county public health standards and meets current requirements of Chapter 16 of this code. (~~See provisions of land development manual.~~)

3. The department of health and human services may waive the provisions of subsection (B)(1) of this section if it has sufficient evidence of such groundwater availability and adequacy.

C. Responsibilities.

1. It shall be the responsibility of the well driller to construct all wells in a manner consistent with the requirements of this article.

2. It shall be the responsibility of the property owner to maintain any well, **water treatment plant and appurtenances**, existing on his or her property in such a manner **consistent with enforcement agency approval** and as to not create the risk of pollution or contamination of surface or subsurface waters or to create a safety hazard.

3. The owner shall be responsible for destruction of wells where required by this article except when required pursuant to Section 13.08.090(D).

D. Filing fees may be set by the board from time to time by ordinance. Fees are set forth in Section 2.116.110. The enforcement agency shall notify local licensed well drillers prior to a fee ordinance submittal to the board of supervisors. (~~Ord. 5741-B § 18, 2014; prior code § 4.804~~)

16.08.040 Major subdivisions requirements.

E. Water Supply.

1. Capacity. The advisory agency may require that the subdivider connect to a ~~water treatment and distribution system~~ **state or county regulated water system** having adequate plant capacity to handle this subdivision; that the subdivider construct an adequate ~~water treatment and distribution system~~ **state or county regulated water system** if there is no district or water company having adequate capacity serving the proposed subdivision; or may require such other means of **individual well** ~~water treatment and distribution~~ as shall provide adequate water **supply** to meet domestic and fire use. Fire use shall be as required by the ~~local fire~~ **department** serving fire district or where no specification is given, as specified in the latest edition of the California Fire Code adopted for use by the county.

2. State and Code Construction Standards. In those areas within a subdivision served by a water furnishing district or water company under the jurisdiction of the **state or** county, all lines and facilities shall be constructed in accordance with the requirements established by state law and this code.

3. Lots ~~2.3~~ Two-and-One-Half Acres or More. For subdivisions with lots a mean average size of 2.3 two-and-one-half or more acres average size:

a. Basic Requirements. The subdivider shall provide water for domestic use on each lot by a state or county regulated water system except where domestic water is to be provided by a separate well on each lot. Then:

i. As to all lots of less than two hundred thousand (200,000) square feet a mean average size of 4.6 acres, the subdivider shall provide satisfactory evidence that well water adequate for domestic use is available on each lot ~~unless the advisory agency waives this requirement.~~

ii. As to lots of ~~two hundred thousand (200,000) square feet~~ mean average size of 4.6 acres or more, the subdivider shall provide satisfactory evidence that well water adequate for domestic use is available on no less than ten (10) percent of the proposed lots. ~~not be required to provide evidence that well water adequate for domestic use is available except when the advisory agency determines that (i) water yield by wells has been poor or is unknown in the area, or (ii) other wells drilled in the area or on the parcel show that one or more lots of two hundred thousand (200,000) square feet or more may not be able to provide well water adequate for domestic use.~~

b. What is Adequate for Domestic Use. Well water shall be deemed adequate for domestic use if the water, the well or wells, and any storage facility meets all applicable state and county public health standards including California Code of Regulations Title 22, Division 4, Chapter 15 primary standards regarding domestic water quality and monitoring and can deliver one thousand two hundred (1,200) gallons in a four-hour period at least once every twenty-four (24) hours; provided, that the well produces at least one gallon per minute.

i. If water quality testing exceeds the maximum contaminant level (MCL), an additional well will be required on each of the proposed lots prior to final map or improvement plan approval whichever is proposed to be approved first.

ii. If any additional wells exceed the MCL, the applicant may propose installation of new wells, well modifications or installation of individual point-of-entry (POE) treatment devices to reduce contaminant levels in affected wells to below the MCL.

iii. If POE treatment devices are proposed, the proposed treatment devices shall be tested on each proposed well to verify they can effectively reduce contaminant levels below the MCL. The applicant shall complete all well installation and testing of proposed treatment systems prior to final map approval. All proposed treatment systems shall be approved by the state for treatment of identified contaminants and shall be POE devices. Additionally, each proposed lot requiring treatment shall have a deed restriction recorded outlining requirements for water treatment for future owners in a form approved by the county.

c. ~~Evidence Required.~~ When evidence is required to show that well water adequate for domestic use is available, such evidence shall be provided as follows:

~~i. The subdivider shall provide well water adequate for domestic use on not less than ten (10) percent of the lots which are subject to the evidence requirement.~~

~~ii.i.~~ The health department shall determine approve the location of each well drilled to provide such evidence.

~~ii.ii.~~ The ~~advisory agency may require t~~The subdivider may be required to provide additional wells as needed to provide satisfactory evidence that well water adequate for domestic use is available on each lot in addition to those required in 3(a)(ii) of this section, ~~which is subject to the evidence requirement.~~

d. Fire Suppression. The water supply system shall meet the requirements for fire flow and flow duration as specified by the local fire protection entity. In the event that no fire flow or flow

duration are specified, the minimum allowable standard shall be as specified in the latest edition of the California Fire Code adopted for use by the county.

4.a. Lots Under ~~2.3 Two and One Half Acres~~: For subdivisions with lots less than ~~2.3 two and one half acres~~ mean average parcel size, domestic water shall be provided to all lots by a state or county regulated water system ~~from a central facilities for domestic water shall have a minimum capacity of twelve (12) hour flow.~~

~~— b. — If the water system is not retained in private ownership, a district, county service area, or other public entity must be formed to provide for maintenance and operation of the system.~~

5. Priority of Serving Entities. The legal entity supplying the water shall be determined in accordance with the following priority listing, a lower priority listing being eligible only if the entity having a priority will not have the capability of supplying the development upon completion of the water supply system:

- a. Placer County water agency;
- b. An existing public district within which the development is located;
- c. An existing public district which is willing to annex the development;
- d. An existing public utility regulated by the public utilities commission;
- e. A public utility to be formed which will be regulated by the public utilities commission.

f. Mutual water companies or corporations, and home owners association shall not be permitted to be the water supplier. For the serving entities identified in subsection (E)(5) of this section, nor will individual water treatment systems on the proposed individual lots will not be permitted.

6. Quality and Quantity: Domestic water shall meet all the local and state standards for quality and quantity after consideration of treatment of water from the source. Any treatment plant, storage facilities and appurtenances used to render water safe for domestic use must be approved by the local and/or state health department.

7. District Approval Required: Approval of improvement plans by the utility district for water service supply and maintenance is required. The county water capacity form shall be completed and submitted to the county, stating that the district has the capacity to serve and meet the flows and volumes required for domestic use and fire protection for this development, over and above previously approved and existing users.

Article 16.20 - MINOR SUBDIVISIONS

16.20.180 Water supply.

A. Capacity. The advisory agency may require that the subdivider connect to a state or county regulated water system having adequate plant capacity to handle this subdivision; that the subdivider construct an adequate state or county regulated water system if there is no district or water company having adequate capacity serving the proposed subdivision; or may require such other means of individual well water as shall provide adequate water supply to meet domestic and fire use. Fire use shall be as required by the fire department serving fire district or where no specification is given, as specified in the latest edition of the California Fire Code adopted for use by the county.

B. State and Code Construction Standards. In those areas within a subdivision served by a water furnishing district or water company under the jurisdiction of the state or county,

all lines and facilities shall be constructed in accordance with the requirements established by state law and this code.

AC. Basic Requirements—Wells. The subdivider shall provide water for domestic use on each lot **by a state or county regulated water system** except where domestic water is to be provided by a separate well on each lot. Then:

~~1. Under One Hundred Thousand Square Feet. As to any lot of less than one hundred thousand (100,000) square feet, no person shall commence construction of a single family residential building thereon until water adequate for domestic use is provide on such lots.~~

~~12. Under Two Hundred Thousand Square Feet. As to all lots of less than a **mean average size of 4.6 acres** two hundred thousand (200,000) square feet, the subdivider shall provide satisfactory evidence that well water adequate for domestic use is available on each lot unless the Advisory Agency waives this requirement.~~

~~23. Over Two Hundred Thousand Square Feet. As to lots of two hundred thousand (200,000) square feet **a mean average size of 4.6 acres** or more, the subdivider shall **provide satisfactory evidence that well water adequate for domestic use is available on at least one proposed lot,** not be required to provide evidence that well water adequate for domestic use is available except when the advisory agency determines that: (i) water yield by wells has been poor or is unknown in the area, or (ii) other wells drilled in the area or on the parcel show that one or more lots of two hundred thousand (200,000) square feet or more may not be able to provide well water adequate for domestic use.~~

B. Adequacy—Evidence Required.

31. What is Adequate for Domestic Use. Well water shall be deemed adequate for domestic use if the water, the well or wells, and any storage facility meet all applicable state and county public health standards **including California Code of Regulations Title 22, Division 4, Chapter 15 primary standards regarding domestic water quality and monitoring** and can deliver one thousand two hundred (1,200) gallons in a four hour period at least once every twenty-four (24) hours; provided, that the well produces at least one gallon per minute.

a. If water quality testing exceeds the maximum contaminant level (MCL), an additional well will be required on each of the proposed lots prior to final map or improvement plan approval whichever is proposed to be approved first.

b. If any additional wells exceed the MCL, the applicant may propose installation of new wells, well modifications or installation of individual point-of-entry (POE) treatment devices to reduce contaminant levels in affected wells to below the MCL.

c. If POE treatment devices are proposed, the proposed treatment devices shall be tested on each proposed well to verify they can effectively reduce contaminant levels below the MCL. The applicant shall complete all well installation and testing of proposed treatment systems prior to final map approval. All proposed treatment systems shall be approved by the state for treatment of identified contaminants and shall be POE devices. Additionally, each proposed lot requiring treatment shall have a deed restriction recorded outlining requirements for water treatment for future owners in a form approved by the county.

~~42. Evidence Required.~~ When evidence is required to show that well water adequate for domestic use is available, such evidence shall be provided as follows:

~~a. The subdivider shall provide well water adequate for domestic use on not less than ten percent of the lots which are subject to the evidence requirement.~~

~~ab. The health department shall determine **approve** the location of each well drilled to provide such evidence.~~

~~be. The advisory agency may require t~~The subdivider **may be required** to provide additional wells as needed to provide satisfactory evidence that well water adequate for domestic use is available on each lot **in addition to those required in C(2) of this section,** which is subject to the evidence requirement.

D. Priority of Serving Entities. The legal entity supplying the water shall be determined in accordance with the following priority listing, a lower priority listing being eligible only if the entity having a priority will not have the capability of supplying the development upon completion of the water supply system;

- 1. Placer County water agency;**
- 2. An existing public district within which the development is located;**
- 3. An existing public district which is willing to annex the development;**
- 4. An existing public utility regulated by the public utilities commission;**
- 5. A public utility to be formed which will be regulated by the public utilities commission.**
- 6. Mutual water companies or corporations, and home owners association shall not be permitted to be the water supplier. For the serving entities identified in subsection (D)(1-5) of this section, individual water treatment systems on the proposed individual lots will not be permitted.**

E. Quality and Quantity: Domestic water shall meet all the local and state standards for quality and quantity after consideration of treatment of water from the source. Any treatment plant, storage facilities and appurtenances used to render water safe for domestic use must be approved by the local and/or state health department.

F. District Approval Required: Approval of improvement plans by the utility district for water service supply and maintenance is required. The county water capacity form shall be completed and submitted to the county, stating that the district has the capacity to serve and meet the flows and volumes required for domestic use and fire protection for this development, over and above previously approved and existing users.

~~C. Treated or Untreated Distribution Systems. Treated or untreated distribution systems shall be considered to be adequate as sources of domestic water supply when the applicant submits a letter from the serving entity which agrees to supply water to the proposed parcels and states the following:~~

- ~~—1. The source and location of the distribution facility (name of canal, ditch, pipeline, etc., and its distance from the proposed parcels) and whether the water to be delivered is treated or untreated;~~
- ~~—2. Water will be available on a year-round basis to all proposed parcels;~~
- ~~—3. Minimum quantity of water available to each proposed parcel;~~
- ~~—4. Any restrictions, reservations, conditions, or controls set by the serving entities upon the delivery, sale, or use of the supplied water.~~
- ~~—5. If the distribution system delivers untreated water, individual or community treatment facilities shall be in conformance with regulations of Placer County and public health standards.~~
- ~~—6. Neither construction of said treatment facilities or construction of distribution facilities from the serving entity's source to the proposed parcels shall be made a condition of approval of a minor subdivision.~~

~~—D. Rights of Way. Sufficient easements shall be furnished by the applicant to permit the construction of a water service line from the source of supply to each proposed parcel.~~

~~—E. Subsection A of this section does not apply to properties that are acquired by Placer County or the PCA to be a part of a reserve system required by Article 19.10 (Placer County Conservation Program). (Ord. 6042 B § 1, 2020; prior code § 19.334)~~